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Special Political and Decolonization Committee (Fourth Committee)

Summary record of the second part* of the 11th meeting
Held at Headquarters, New York, on Monday, 20 October 2008, at 3 p.m.

Chairman: Mr. Argüello ..... (Argentina)

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* The summary record of the first part of the meeting, held on Friday, 17 October 2008, appears as document A/C.4/63/SR.11.

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The meeting was reconvened at 3 p.m.

Agenda item 37: Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (*Territories not covered under other agenda items*) (*continued*)

Draft resolution VI on the questions of American Samoa, Anguilla, Bermuda, the British Virgin Islands, the Cayman Islands, Guam, Montserrat, Pitcairn, Saint Helena, the Turks and Caicos Islands and the United States Virgin Islands (continued) (A/63/23, chap. XII; A/C.4/63/L.6)

1. **Mr. Tagle** (Chile) said that the insertion of the clause "and where there is no dispute over sovereignty" after the words "process of decolonization" in paragraph 2 added nothing new to the substance of the traditional consensus resolutions on the small Territories but merely clarified the understanding underlying the consensus.

2. **Mr. St. Aimee** (Saint Lucia), recalling that the objective of the draft resolution was to help colonial peoples achieve self-determination, said that the reference to disputed sovereignty might offer administering Powers an excuse for shirking their responsibility to hasten decolonization. He therefore pleaded with delegations not to become embroiled in language that added an issue extraneous to the process of decolonization.

3. **Mr. Benmehidi** (Algeria) said that while his delegation was a firm supporter of the work of the Special Committee, it believed that the Committee should have given more thought to the dangerous effect the new clause might have on colonial situations, particularly in Western Sahara, which one delegation maintained was not a question of decolonization but rather of sovereignty. The text introduced a restriction to the right of self-determination and would undoubtedly be seized upon by those who wished to impede negotiations on self-determination. In the interests of the peoples of the Non-Self-Governing Territories he was therefore in favour of deleting the new clause.

4. **Mr. Gordon** (United States of America) said that the proposed new language was unnecessary and only served to divide a Committee that had a long history of consensus on the issue under consideration. He urged the Special Committee on decolonization to revert to the consensus language used in previous years.

5. **Mr. Kumalo** (South Africa), observing that he had long admired how carefully the Special Committee had dealt with sensitive issues, said that the new clause introduced an issue of disputed sovereignty that was totally out of place in draft resolution VI and his Government could not accept it. The right to self-determination was a basic right and a fundamental principle of international law that was qualified neither in the Charter nor in the human rights covenants; it should not be qualified in the draft resolution. The remainder of the draft resolution was, however, acceptable.

6. **Sir John Sawers** (United Kingdom) observed that the Special Committee had not fully considered the unpredictable ramifications of linking self-determination to the issue of disputed sovereignty. Sovereignty disputes did not apply to the Territories covered by the draft resolution before the Committee. The text should therefore return to the consensus language of the past. That had been the purpose of the amendment his delegation had proposed. Self-determination was a fundamental principle, and it would be perilous to tinker with it.

7. **Mr. Chabar** (Morocco) observed that self-determination could take several forms. In Western Sahara, for instance, the process of decolonization had ended with the 1984 agreement between Spain and Morocco — endorsed by the local Saharawi assembly of the day and by the Parliaments of the two Governments — which had transferred to Morocco sovereignty over that part of the Territory formerly administered by Spain; when Mauritania had subsequently renounced control over its part of the Territory, Morocco had been left as the sole administering Power.

8. **Mr. Benmehidi** (Algeria), reiterating his objections to paragraph 2, said that the proper forum for discussions between Member States and administering Powers was the Special Committee on decolonization; it, however, was not in the habit of hearing statements from occupying Powers.

9. **Mr. Butagira** (Uganda) said that his delegation believed firmly in the Charter principle of self-determination and could never accept a text that watered that principle down. It therefore supported the deletion proposed in the draft amendment.

10. **The Chairman** said that the Committee should proceed to take a decision on draft resolution VI and

the proposed amendment contained in document A/C.4/63/L.6; in accordance with rule 130 of the Rules of Procedure, the latter would be taken up first. A recorded vote had been requested by the representative of Brazil, and he invited explanations of vote before the vote.

11. **Mr. Windsor** (Australia) said that the fundamental right to self-determination could not be affected by disputes over sovereignty. His delegation therefore would support the proposed amendment. If the new wording was retained, his delegation would abstain in the decision on draft resolution VI as a whole.

12. **Ms. Espinosa** (Ecuador), said that as a supporter of self-determination in all its forms, her delegation would support the adoption of the draft resolution as drafted by the Special Committee.

13. **Mr. Chan** Wei Sern (Singapore) said that his delegation would support the proposed amendment because the text as currently drafted, imposed conditions on peoples seeking to achieve decolonization. It would, however, vote in favour of the draft resolution as a whole.

14. **Mr. St. Aimee** (Saint Lucia), speaking in explanation of vote before the voting, said that his delegation would vote in favour of the amendment so as to restore the consensus text of the previous sessions.

15. **Mr. Palavicini-Guédez** (Bolivarian Republic of Venezuela), speaking in explanation of vote before the voting, recalled that the text of draft resolution VI had been approved by consensus by the Special Committee. Approval of the amendment proposed by the United Kingdom would imply that the Special Committee had acted in error. The text was in conformity with the language of relevant United Nations resolutions and the outcomes of related regional seminars. His delegation would vote against the amendment.

16. **Mr. Siles Alvarado** (Bolivia), speaking in explanation of vote before the voting, said that his delegation would vote against the amendment. The text of draft resolution VI had been approved by consensus in the Special Committee and reflected the provisions of General Assembly resolution 1514 (XV) concerning the principles of the right to self-determination and respect for territorial integrity. Any violation of the principle of respect for territorial integrity would be incompatible with the Charter. That position had been reaffirmed at the regional seminars on decolonization.

17. *A recorded vote was taken on the amendment contained in document A/C.4/63/L.6.*

In favour:

Albania, Algeria, Armenia, Australia, Austria, Bangladesh, Belgium, Belize, Botswana, Bulgaria, Burundi, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Guyana, Haiti, Hungary, Iceland, Ireland, Italy, Jamaica, Kazakhstan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Mongolia, Montenegro, Netherlands, New Zealand, Nigeria, Norway, Oman, Pakistan, Poland, Saint Lucia, Samoa, San Marino, Sierra Leone, Singapore, Slovenia, South Africa, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Zambia, Zimbabwe.

Against:

Argentina, Belarus, Bolivia, Brazil, Central African Republic, Chile, China, Colombia, Costa Rica, Cuba, Democratic People's Republic of Korea, Dominican Republic, Ecuador, El Salvador, Ethiopia, Guatemala, Honduras, India, Indonesia, Iran (Islamic Republic of), Malaysia, Mali, Mauritius, Mexico, Mozambique, Myanmar, Nicaragua, Panama, Papua New Guinea, Paraguay, Peru, Russian Federation, Senegal, Spain, Suriname, Syrian Arab Republic, Tunisia, Uruguay, Venezuela (Bolivarian Republic of), Viet Nam.

Abstaining:

Andorra, Angola, Antigua and Barbuda, Bahamas, Bahrain, Barbados, Benin, Brunei Darussalam, Burkina Faso, Cape Verde, Cyprus, Djibouti, Dominica, Egypt, Equatorial Guinea, Fiji, Gabon, Gambia, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Japan, Jordan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malawi, Malta, Morocco, Namibia, Philippines, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Saint Kitts and Nevis, Saudi Arabia, Slovakia, Sri Lanka, Sudan, Swaziland, Thailand, Togo.

18. *The amendment was adopted by 61 votes to 40, with 47 abstentions.*

19. **Mr. Al-Allaf** (Jordan) speaking in explanation of vote, said that international law allowed for no restrictions on the right to self-determination. His delegation had abstained during the voting because the Special Committee had not provided a satisfactory explanation of why it had chosen to add a reference to disputes over sovereignty. It was his delegation's position that paragraph 2 was not applicable to territories that were not included in the Committee's mandate.

20. **Mr. Wolfe** (Jamaica) said that his delegation had voted in favour of the amendment because otherwise paragraph 2, could have been be interpreted as meaning that, in cases where there was a dispute over sovereignty, the right to self-determination could be set aside or even abrogated. His delegation could not support any qualification of the fundamental right to self-determination. He nevertheless reaffirmed his delegation's support for the work of the Special Committee in promoting self-determination, in particular for the Non-Self-Governing Territories in the Caribbean, and called on all Member States to play a more active role in its work.

21. **Mr. Natalegawa** (Indonesia) regretted the controversy concerning the language of operative paragraph 2 and suggested that the current debate could have been avoided had certain delegations taken a more active interest in the work of the Special Committee. His delegation was committed to the principle of self-determination. The Special Committee had modified paragraph 2 bearing in mind the fact that General Assembly resolution 1514 (XV) upheld not only the principle of the right to self-determination but also the principle of respect for territorial integrity. He considered it a question of principle that the consensus position of the Special Committee should be accepted.

22. **Mr. Gatan** (Philippines) expressed support for the principle of self-determination for the remaining Non-Self-Governing Territories. While some of those situations might involve a dispute over sovereignty, such was not the case in the Territories dealt with in the draft resolution. His delegation had therefore abstained during the voting.

23. **Mr. Talbot** (Guyana) said that the original text of the draft resolution had seemed to place a restriction on the right to self-determination. Furthermore, since there was no dispute over sovereignty relating to the Non-Self-Governing Territories dealt with in the draft resolution, it had not seemed relevant to the cases at hand. His delegation had supported the amendment for it considered the right to self-determination to be a fundamental principle of international law and an absolute right regardless of disputes over sovereignty. He nevertheless reaffirmed his delegation's support for the work of the Special Committee.

24. **Ms. Coye-Felson** (Belize) expressed absolute support for the principle of the right to self-determination as well as for the work of the Special Committee. She regretted, however, that no explication had been given for the modification of paragraph 2 of the consensus text adopted in previous years nor had there been a satisfactory explanation of the possible consequences of restricting the right to self-determination in cases where there were disputes over sovereignty. In addition, since there were no disputes over sovereignty in the Non-Self-Governing Territories dealt with in the draft resolution, there was no need to modify the text. She hoped that in future the Special Committee would ensure that draft resolutions relating to its role in promoting self-determination could be adopted by consensus.

25. **Mr. Elsherbini** (Egypt) said that his delegation supported the unequivocal application of the right to self-determination. It had abstained during the voting because the Special Committee had not given any explanation of the possible consequences of the additional element added to paragraph 2. He stressed that that paragraph was not applicable to territories outside the mandate of the Special Committee, including the Palestinian territories occupied by Israel in 1967.

26. **Mr. Al-Jarman** (United Arab Emirates) said that his delegation supported the work of the Special Committee and it unconditionally supported the right to self-determination. His delegation had therefore voted in favour of the amendment.

27. **Mr. Hussain** (Pakistan) underscored his delegation's unwavering support for decolonization and for the right to self-determination His delegation had voted in favour of the amendment because the original text of paragraph 2 could have been interpreted as putting limits on the right to self-determination; it looked forward to adoption of the draft resolution, as amended, by consensus. His

delegation would continue to support the efforts of the Special Committee to promote the right of all peoples to self-determination.

28. **The Chairman** said that he took it that the Committee wished to adopt draft resolution VI, as amended, by consensus.

29. *It was so decided.*

30. **Sir John Sawers** (United Kingdom) welcomed the adoption by consensus of the amended text of the draft resolution and reaffirmed his delegation's full support for the right to self-determination. He urged the Special Committee to take fully into account the new and modern relationship between the United Kingdom, as administering Power, and its overseas territories, which enjoyed the full support of the parties concerned including the peoples of those territories. That would facilitate fuller cooperation between the Special Committee and the United Kingdom in its capacity as administering Power of several of the Territories concerned. The draft resolution did not fully reflect the modern relationship between his Government and its overseas territories and some of its language did not concur with his Government's practice or views. His delegation was nevertheless prepared to cooperate with the Special Committee. With regard to the specific case of Saint Helena mentioned in the draft resolution, he said that no decision had as yet been taken regarding the upgrading of transit links.

31. **Mr. Limeres** (Argentina) welcomed the consensus on the amended text of draft resolution VI and expressed support for the fundamental right of people, including all peoples colonized by a colonial Power, to self-determination in all its forms. The right to self-determination must likewise be applied in cases involving a dispute over sovereignty. In such cases, the General Assembly had underscored that the only way of resolving the dispute was through negotiations between the parties concerned. His delegation had not supported the amendment because it modified the thrust of the original text, which had the support of the Special Committee. He called on delegations to take a more active interest in the work of the Special Committee in order to avoid a repeat of the current situation, which had been caused by the objection of an administering Power.

32. **Mr. Oyarzun** (Spain) welcomed the consensus on draft resolution VI and expressed his delegation's support for self-determination for the Territories dealt with in the draft resolution. He underscored that, in particular cases involving a dispute over sovereignty, the principle of territorial integrity, as set out in General Assembly resolution 1514 (XV) and other relevant resolutions, must be respected. He regretted that as a result of the adoption of the amendment contained in document A/C.3/63/L.6 the text of the draft resolution did not reflect the consensus in the Special Committee regarding the need to recognize the diversity of situations in the various Non-Self-Governing Territories.

33. **Mr. Benmehidi** (Algeria) welcomed the adoption of draft resolution VI by consensus and expressed his delegation's support for the right to self-determination of the Non-Self-Governing Territories dealt with in that draft resolution as well as all other Non-Self-Governing Territories.

34. **Mr. Chabar** (Morocco), speaking in exercise of the right of reply to an earlier intervention by the representative of Algeria, said that he regretted the reference made to the situation in Western Sahara and cautioned against a selective reading of the right to self-determination. The situation in the Western Sahara was a regional dispute that must be resolved by a political process under the auspices of the United Nations, including the Security Council, in accordance with Article 33 of the Charter. Morocco could not be considered an occupying Power under relevant international law nor had any international body ever referred to it as such.

The meeting rose at 4.50 p.m.